

IN THE UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF MASSACHUSETTS

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PETER J. MILLER, CLIFFORD HOYT, and  
CAMBRIDGE RESEARCH AND  
INSTRUMENTATION, INC.  
Plaintiffs,

v.

PATRICK TREADO and CHEMIMAGE CORP.  
Defendants.

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Case No. 05-10367 RWZ

**ASSENTED-TO MOTION FOR ADMISSION OF COUNSEL PRO HAC VICE**

Pursuant to Local Rule 83.5.3, the undersigned counsel hereby moves that Attorney Kenneth L. Racowski of the law firm of Morgan Lewis & Bockius LLP be permitted to appear and participate in this action *pro hac vice* for the purpose of representing the defendants in this matter, in association with the law firm of Duane Morris LLP by Anthony J. Fitzpatrick.

In support of this Motion, counsel states as follows:

1. Mr. Fitzpatrick of Duane Morris LLP is a member in good standing of the Bar of this Court and is actively engaged in the practice of law within Massachusetts from the offices of Duane Morris LLP, 470 Atlantic Avenue, Suite 500, Boston, Massachusetts 02210.

2. As set forth in the Affidavit submitted herewith, Attorney Racowski is a member in good standing of the Bars of the Commonwealth of Pennsylvania and the State of New York. There is no disciplinary action pending against Attorney Racowski in any jurisdiction.

3. As set forth in his Affidavit, Attorney Racowski has familiarized himself with the Local Rules of this Court.

4. In accordance with the Court's CM/ECF Administrative Procedures, the required filing fee will be delivered to the Clerk's Office and paid in full within 24 hours after this document is submitted electronically.

5. Counsel for the plaintiffs has indicated that the plaintiffs assent to this motion.

WHEREFORE, it is respectfully requested that this Court admit Attorney Kenneth L. Racowski *pro hac vice*, for the purpose of representing defendants in this action.

PATRICK TREADO and CHEMIMAGE CORP.

By their attorneys,

/s/ Anthony J. Fitzpatrick  
Anthony J. Fitzpatrick (BBO # 564324)  
DUANE MORRIS LLP  
470 Atlantic Avenue, Suite 500  
Boston, MA 02210  
(617) 289-9200

ASSENTED TO:

/s/ Teodor J. Holmberg  
Teodor J. Holmberg (BBO # 634708)  
COHEN PONTANI LIEBERMAN & PAVANE  
551 Fifth Avenue  
New York, NY 10176  
(212) 687-2770

Counsel to Peter J. Miller, Clifford Hoyt, and Cambridge Research And Instrumentation, Inc. :

Dated: May 31, 2006

**CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)**

Undersigned counsel certifies that, before filing this motion, counsel for the parties have conferred by e-mail on May 31, 2006, regarding the subject of this motion and attempted in good faith to resolve or narrow the issues. As a result, counsel for Plaintiffs has advised that Plaintiffs assent to this motion.

/s/ Anthony J. Fitzpatrick  
Anthony J. Fitzpatrick

**CERTIFICATE OF SERVICE**

I hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified in the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on May 31, 2006.

/s/ Anthony J. Fitzpatrick  
Anthony J. Fitzpatrick

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**AFFIDAVIT OF KENNETH L. RACOWSKI**

Kenneth L. Racowski, of full age, being duly sworn according to law, upon his oath deposes and says:

1. I submit this affidavit in support of the request of defendants Patrick Treado and ChemImage Corporation for an Order permitting me to appear and participate in the instant matter pro hac vice. The facts and circumstances set forth below are based on my personal knowledge.

2. I am an associate in the law firm of Morgan, Lewis & Bockius LLP, having offices at 1701 Market Street, Philadelphia, Pennsylvania 19103.

3. I am a member in good standing and eligible to practice before the courts of the Commonwealth of Pennsylvania and the State of New Jersey.

4. There are no disciplinary proceedings pending against me as a member of the bar in any jurisdiction.

5. I am familiar with the Local Rules of the Bar of this Court.

6. For these reasons I respectfully request that this Court issue an Order admitting me to appear pro hac vice in this action. If admitted to practice before this Court pro hac vice, I will abide by the rules of this Court.

Signed under the penalties of perjury this 22nd day of May, 2006.

/s/ Kenneth L. Racowski  
Kenneth L. Racowski